

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TYRONE E. REID

Petitioner,

-v-

ERNIE L. MOORE, Warden

Respondent.

Case No. C-3:05-cv-326

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #50) REGARDING REID'S
MOTION FOR JUDGMENT ON THE PLEADINGS (Doc. #49) IN ITS
ENTIRETY AND AGAIN TERMINATING THIS CASE**

This matter comes before the Court pursuant to Magistrate Judge Michael R. Merz's Report and Recommendations regarding Petitioner Tyrone E. Reid's ("Reid's") Motion for Judgment On the Pleadings (Doc. #49). The time has run and Reid has not responded to this Report and Recommendations.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Magistrate Judge's Report and Recommendations is adopted in its entirety.

Reid's Motion for Judgment On the Pleadings is internally contradictory and, more importantly, judgment has already been entered in this case in favor of the Warden. Reid's Motion for Judgment On the Pleadings is, therefore, **OVERRULED**.

The Clerk is also hereby ordered to serve a copy of this Order on Petitioner Tyrone E. Reid at his last known address. The captioned cause is again hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western

Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Ninth day of March, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Tyrone E. Reid